

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

RODNEY D. DUCKWORTH,)
Plaintiff,)
v.) CIVIL ACTION NO. 3:05-cv-727-MHT-DRB
SHIRLEY JOHNSON, et al.,)
Defendants.)

DEFENDANTS' MOTION TO STAY PROCEEDINGS

COME NOW the Defendants, Jeff Fuller, Sheriff of Randolph County, Alabama, Chief Jailer Shirley Johnson, and Captain Craig Davidson, and move this Court to stay the proceedings in this matter pending a ruling on this Court's Order for the Plaintiff to Show Cause as to why this case should not be dismissed. As grounds therefor, the Defendants state as follows:

1. On August 8, 2005, this Court entered an Order for the Defendants to file an Answer and Special Report on or before September 19, 2005.
2. Defendants filed a Motion for Extension of Time to File their Special Report and Answer.
3. On September 22, 2005, this Court granted Defendants' Motion for Extension of Time, up to and including October 14, 2005.
4. On October 5, 2005, this Court entered an Order directing Plaintiff to show cause why his Complaint should not be dismissed for his failure to provide this Court with his current address; with the deadline for Plaintiff to respond set for October 14, 2005.

5. In the interest of judicial economy, the Defendants request a stay of the filing of their Special Report and Answer, pending a ruling on this Court's Order to Show Cause, dated October 5, 2005.

WHEREFORE, PREMISES CONSIDERED, Defendants move this Court to stay the proceedings pending a ruling on Order to Show Cause.

Respectfully submitted this 11th day of October, 2005.

s/C. Richard Hill, Jr.
C. RICHARD HILL, JR. Bar No. HIL045

Attorney for Defendants

WEBB & ELEY, P.C.
7475 Halcyon Pointe Drive
Post Office Box 240909
Montgomery, Alabama 36124
Telephone: (334) 262-1850
Fax: (334) 262-1889
E-mail: rhill@webbeley.com

CERTIFICATE OF SERVICE

I hereby certify that on this the 11th day of October, 2005, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Rodney D. Duckworth
Randolph County Jail
P.O. Box 347
Wedowee, AL 36278

s/C. Richard Hill, Jr.